

Remarks

Claims 1-22 are pending. Claims 11-22 are indicated as allowable and claims 4-9 are objected to. Claims 1 and 6 have been amended. Applicant respectfully requests reconsideration of the rejection of claims 1-3 and 10 in light of the preceding amendments and following comments.

Rejections under 35 U.S.C. § 103

Claims 1-3 and 10 stand rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent Pub. No. 2003/013449 to Gates et al. (“Gates”) in view of U.S. Patent Pub. No. 2003/0087043 to Edelstein et al. (“Edelstein”). As provided in MPEP § 2143, “[t]o establish a prima facie case of obviousness, ... the prior art reference (or references when combined) must teach or suggest all the claim limitations.” Furthermore, under MPEP § 2142, “[i]f the examiner does not produce a prima facie case, the applicant is under no obligation to submit evidence of nonobviousness.” It is submitted that the Office action does not factually support a prima facie case of obviousness based on the cited references for the following reasons.

Claim 1, as amended, recites in part depositing a carbon deficient silicon oxycarbide ARL over said low-k dielectric layer whereby carbon deficiency is accomplished by introducing hydrogen during said depositing thereby establishing a quantity of Si-H bonding in place of Si-C bonding in said ARL, wherein said carbon deficient silicon oxycarbide ARL contains less than about 10 atomic % carbon.

Applicant submits that the combination of Gates and Edelstein fails to teach or suggest at least the above-recited element of claim 1. More specifically, nowhere do Gates or Edelstein teach or suggest forming a carbon deficient silicon oxycarbide ARL containing less than about 10 atomic % carbon. Accordingly, the cited combination of references fails to meet the standard imposed by MPEP § 2143 and claim 1 is allowable over the cited reference. Claims 2, 3, and 10 depend from and further limit claim 1 and are allowable for at least the same reason as claim 1.

Conclusion

It is respectfully submitted that all the claims in the application are in condition for allowance. Should the Examiner deem that any further amendment is needed to place this application in condition for allowance, the Examiner is invited to telephone the undersigned at the below listed telephone number.

Respectfully submitted,

T. F. Bliss

Timothy F. Bliss
Registration No. 50,925

Date: August 31, 2005
HAYNES AND BOONE, LLP
901 Main Street, Suite 3100
Dallas, Texas 75202-3789
Telephone: 972-739-8638
Facsimile: 214-200-0853

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on August 31, 2005.

Gayle Conner

Gayle Conner